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Melissa Mitchell*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EMMANUEL CABALLERO,

Plaintiff,

v.

ROMEO ARANAS, *et al.*,

Defendants.

Case No. 3:19-cv-00079-MMD-CLB

**MOTION TO EXTEND THE DEADLINE TO
FILE AN OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

Defendant, Melissa Mitchell, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Meredith N. Beresford, Deputy Attorney General, hereby move to extend the deadline to file an Opposition to the Plaintiff's Motion for Preliminary Injunction in this matter by seven (7) days.

Emmanuel Caballero is a prisoner in the lawful custody of the Nevada Department of Corrections (NDOC), and has submitted a Motion for Preliminary Injunction (Motion) (ECF 29). Defendant's deadline to respond to the Motion is July 15, 2020.

Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

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1 The proper procedure, when additional time for any purpose is needed, is to present a request for
2 extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D. 282
3 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of
4 good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268
5 (N.D. Ohio 1947).

6 Defendant has requested additional medical documentation to determine whether Plaintiff has
7 sought medical and/or dental assistance for tooth #15 prior to the filing of this Motion for Preliminary
8 Injunction. The Defendant last received updated medical documentation in December 2019. However,
9 the Plaintiff's request may concern medical documentation presented in the last seven months.
10 Although the Plaintiff's Complaint does not address any conduct by NDOC in the last seven months,
11 the documentation is relevant to the Plaintiff's request and Defendant would like to have the proper
12 updated information to present to the Court. Plaintiff has provided no information to the Court in his
13 Motion about whether he sent an appropriate kite or documented a "man-down" for tooth #15. (ECF
14 29). Plaintiff has not established in his Motion that he is precluded from getting an appointment with
15 Dr. Benson. (ECF 29). Defendant would like to confirm with the medical records and dental records
16 that this information is correct prior to submission of any opposition to the Court. Additionally, the
17 documents Defendant is requesting will correspond to whether Plaintiff has a likelihood of success on
18 the merits and whether he will suffer irreparable harm.

19 Good cause exists to extend the time to file this motion. This request is made in good faith and
20 not for the purpose of delay. Defendant respectfully submits that none of the parties will be prejudiced
21 by a one-week or seven (7) day extension of time since the Court filed Plaintiff's Complaint on
22 November 25, 2019 and the Plaintiff waited approximately eight months to file this Motion for
23 Preliminary Injunction.

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1 If granted, the new deadline to file Defendant's Opposition to Motion for Preliminary Injunction
2 would be Wednesday, **July 22, 2020**.

3 DATED this 14th day of July, 2020.


4 AARON D. FORD
5 Attorney General

6 By: /s/ Meredith N. Beresford
7 MEREDITH N. BERESFORD, Bar No. 13308
8 Deputy Attorney General

9 *Attorneys for Defendant*

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11 IT IS SO ORDERED.

12 Dated: July 15, 2020.

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15 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 14th day of July, 2020, I caused to be served, a true and correct copy of the foregoing, **MOTION TO EXTEND THE DEADLINE TO FILE AN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**, by U.S. District Court CM/ECF Electronic Filing on:

Emmanuel Caballero #1135573
c/o Law Librarian
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702
lawlibrarian@doc.nv.gov

/s/ Perla M. Hernandez
An employee of the
Office of the Attorney General